

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7775 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

J P MENDPARA

Versus

COLLECTOR OF JAMNAGAR

Appearance:

MR DM THAKKAR for Petitioners

MR DA BAMBHANIA for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 04/09/97

ORAL JUDGEMENT

1. Rule. Shri D.A. Bhambhania waives service of rule. The matter is taken up for final hearing on request of the counsel for the parties.
2. The grievance has been made by the petitioners against the order of their reversion from the post of Deputy Mamlatdar to that of Clerk. This reversion order

was not given effect to. This Court has protected the petitioners by grant of interim relief and for all these years, they are holding the post of Dy. Mamlatdar. It is not in dispute between the parties that this promotion was given only on urgent temporary basis.

3. In view of the decision of this Court given in Special Civil Applications No. 101/87, 8766/90 and 7808/90 dated 24th March, 1992 fresh seniority list of feeder cadre has been prepared and now the regular promotions will be made in accordance with the positions as reflected therein.

4. Shri D.A. Bhamhani, counsel for the respondents make a statement before this Court that presently the petitioners will not be reverted from this arrangement which is continuing for all these years and in case the petitioners are to be reverted from this arrangement then they shall be given a notice and an opportunity of hearing. However, in the eventuality of reversion of the petitioners on their being not found suitable for promotion by the Departmental Promotion Committee this exercise will not be required to be followed. In view of this statement of the counsel for the respondents, the grievance made by the petitioners in this special civil application to the extent of their reversion does not survive.

5. The other contention which has been made by the learned counsel for the petitioners regarding the pay scale on the ground that they are senior and they have been given the lower pay scale than the juniors, liberty is given to the petitioners to make a representation on this matter to the respondents and they will consider the same on merits in accordance with law. The Special Civil Application and Rule stands disposed of subject to aforesaid directions.

zgs/-